

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

JAN 09 2012

IN THE UNITED STATES DISTRICT COURT Stephan Harris, Clerk  
Cheyenne

FOR THE DISTRICT OF WYOMING

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CATHY L. LANCE,

Plaintiff,

vs.

Case No. 11-CV-359-F

ROCKY L. EDMONDS, ATTORNEY  
AT LAW; ROCKY L. EDMONDS,  
individually, COLLECTION LAW  
CENTER, P.C., GERALD K. RUSSELL,  
President, GERALD K. RUSSELL,  
individually, and DOES 1-10,

Defendants.

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**ORDER DENYING PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AND  
DEFAULT JUDGMENT**

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This matter is before the Court on Plaintiff's Request for Entry of Default and Default Judgment. The Court has reviewed Plaintiff's request and is fully informed in the premises.

A default judgment is void if there is no personal jurisdiction over the Defendants. *Hukill v. Okla. Native Am. Domestic Violence Coalition*, 542 F.3d 794, 797 (10th Cir. 2008). Service of process under Fed. R. Civ. P. 4 provides the mechanism by which a court asserts jurisdiction over the person of the party served. *Id.*

Here, Plaintiff improperly served Defendants. As Plaintiff's motion and supporting certificate of service demonstrate, Plaintiff attempted to serve Defendants by certified mail. However, this is improper under Fed. R. Civ. P. 4(e) and 4(h)(1). Since proper service is necessary for the Court to exercise personal jurisdiction over the Defendants, and Plaintiff failed to properly serve Defendants, default judgment is improper.

Accordingly, the Court finds that Defendants have not been properly served with process and entry of default is therefore not warranted. IT IS ORDERED that Plaintiff's Request for Entry of Default and for Default Judgment is DENIED.

Dated this 9 day of January, 2012.

  
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NANCY D. FREUDENTHAL  
CHIEF UNITED STATES DISTRICT JUDGE